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JAMES D. PETRUZZI

January 18, 2008

Honorable Magistrate Judge Joseph C. Spero
United States District Court, Courtroom A 15th Floor
Northern District of California
450 Golden Gate
San Francisco, CA 94102

Re: Junker V. HDC Corporation, Civil Action NO. 3:07-Cv-5094

Dear Judge Spero:

I represent the Plaintiff Larry Junker in the above matter. A Case Management Conference and Order to Show Cause hearing has been set for February 15, 2008 at 1:30 pm in part due to my non-attendance at the original hearing. First, I wish to apologize to the Court for my failure to advise the Court in a timely manner regarding the default of the Defendant and the resultant lack in a scheduling conference statement. This lapse was inadvertent and due in part to our difficulty in getting confirmation regarding filing of the affidavit of service.

Due to a pre-scheduled deposition in another matter, I am requesting a continuance of the hearing until February 22, 2008 and the opportunity to attend via telephone at (713) 840-9993.

The defendant has not appeared in this matter and Plaintiff has filed a request of the clerk to enter default. We anticipate seeking leave of court thereafter to conduct limited discovery of the defendant regarding damages.

Thank you for your attention to this matter.

Yours very truly,

James D. Petruzzti